

## The Down Side of Police Checks

I recently attended a workshop called “On the Record: Police Records Checks - recognizing impacts, establishing best practices.” The workshop was sponsored by the Ontario Nonprofit Network and featured speakers Abbie Dushman, Director, Public Safety Program [Canadian Civil Liberties Association](#), and Jacqueline Tasca, Policy Analyst, Centre of Research, Policy & Program Development [John Howard Society of Ontario](#). The purpose of the workshop was to provide nonprofits and businesses, which use Police Records Checks as a part of their screening process, with some important information on the impact of this practice on their risk mitigation, and those potential employees and volunteers being screened.

As someone who has been involved in volunteer management for over ten years I was aware there were limitations of Police Checks and as such, they are best used in conjunction with a range of screening tools and risk mitigation practices. As a member of the London and Area Association for Volunteer Administration ([LAVA](#)) we have enjoyed unfettered access to a representative of the London Police Services who has been very cooperative in clarifying for our membership both the [Criminal Records Act](#) and the local policies and procedures adopted and practiced by the London Police Services (LPS) when it comes to Criminal Background Checks and Vulnerable Sector Checks (Police Records Checks). The LPS had largely adopted the [LEARN guidelines](#) put forward by the Ontario Association of Police Chiefs. To their credit they strictly observe the specifications outlined in the [Criminal Records Act](#) regarding the Vulnerable Sector Check, refusing to do these unless it is demonstrated the position being applied “is one of trust or authority towards that child or vulnerable person.” Apparently this practice is not strictly adhered to by all Police Departments.

The overall message of the workshop - that employers and nonprofits urgently need to understand both the limits of Police Records Checks in mitigating risk for their organizations, and the potential impact they can have on the people being screened- was thoroughly articulated and supported by research citations. While I run the risk of grossly oversimplifying the information conveyed in the workshop I will nonetheless briefly highlight a few of the key points here in the hope you, the reader, will be encouraged to examine your agency’s policies and procedures regarding Police Records Checks.

### *Limited Usefulness*

In their May 2014 report [False Promises, Hidden Costs](#) the CCLA states “The little empirical research that had been done on this issue suggests that prior criminal convictions are *not* reliable indicia of a person’s likelihood to commit an employment-related criminal offense in the Future.” This begs the question of why we think we need to know if someone has a criminal conviction, especially one that is unrelated to the kinds of activities inherent in the role we are seeking to fill. Are we engaging in an activity that will actually reduce the risk to our clients, staff and organization? Do we know how to interpret the information we receive through the Checks when we get it? Unfortunately, many agencies have avoided this question by adopting a blanket policy of accepting only completely “clean” Police Records Checks.

## *Negative Impact*

What is the harm in this you might ask? Police collect all kinds of information in the execution of their duties. They must keep notes with meticulous detail, never entirely sure what might be relevant to present or future calls or cases. These notes become part of the public record. Sadly some people discover their names have been noted in Police records because of an association with someone from their youth who was under investigation. (There but by the grace of God, go I).

There are also instances where charges are laid and then later dropped, or someone is found innocent of a charge. There is no automatic process to erase these from someone's record. Job or volunteer applicants have discovered charges that were dropped were never removed from their file. In their report [Presumption of Guilt](#), The Canadian Civil Liberties Association points out "even though non-conviction records document police interactions and criminal charges that did not result in a finding of guilt, their disclosure to potential employers and volunteer agencies can result in significant stigmatization." Stories which demonstrate the negative impact these kinds of situations can have can be found [here](#).

On the other hand, electing to only consider candidates who have completely clean Police Records Checks, denies those who have been convicted a vital opportunity to rehabilitate themselves when their legally determined sentence has been served. It "extends punishment beyond their sentence, and creates barriers to re-entry and re-integration". Access to employment and connection to community are two of the most significant factors in successful re-entry, reintegration and rehabilitation. Having worked for a non-profit that participated in a partnership with a local program that supported people in trouble with the law I saw the benefits of engaging people in volunteer work. I saw the evolution of people, many for the first time, who, offered patience, support, and opportunity, transformed into fully participating members of a team working for the betterment of the community. I saw their cynicism abate and their self-esteem rise as they grew into their ability to navigate the unknown, ask for and receive help, develop job related skills, and see the emergence of hope in their future.

## *Best Practices*

While the workshop leaders provided detailed background on the legal aspects of Police Records Checks, and the complexity of the issues surrounding Police Records Checks (privacy, discrimination, Youth Justice Act, etc.) I hope the examples I have chosen to share with you inspire you to take the time to look another look at your organization's Police Records Check policies and practices. There is a lot of great information and support to do this important work.

Abbie and Jacqueline left us with these general recommendations

- Identify what you want - find the right person with the right skills, commitment
- Tailor all your application and screening process to the necessary skills, education, commitment, etc.
- Ensure you have dignity, privacy and rights-respecting employment policies and practices

For more information:

Canadian Civil Liberties Association [www.ccla.org](http://www.ccla.org)

John Howard Society [www.johnhoward.on.ca](http://www.johnhoward.on.ca)

Elizabeth Fry Society <http://www.caefs.ca/>

St. Leonard's Society <http://www.stleonards.ca/?s=announcements&p=currentannouncements>